

1 ENGROSSED HOUSE  
2 BILL NO. 1512

By: Blackwell of the House

3 and

4 Johnson (Mike) of the  
5 Senate

6  
7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 13-101, which relates to special services for  
9 exceptional children; establishing the responsibility  
10 of the school to determine methodology for providing  
11 certain services; requiring certain conditions; and  
12 providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 70 O.S. 2001, Section 13-101, is  
15 amended to read as follows:

16 Section 13-101. A. The several school districts of Oklahoma  
17 are hereby authorized to provide special education and related  
18 services necessary for children with disabilities as hereinafter  
19 defined. Two or more school districts may establish cooperative  
20 programs of special education for children with disabilities when  
21 such arrangement is approved by the State Board of Education. Funds  
22 may be expended for school services for an additional period during  
23 the summer months for approved programs for qualified children with  
24 disabilities, provided their individualized education program  
(I.E.P.) states the need for extended school year special education

1 and related services. Children with disabilities shall mean  
2 children, as defined in the Individuals with Disabilities Education  
3 Act (IDEA), P.L. No. 105-17, who are three (3) years of age.

4        Provided, on and after July 1, 1991, children from age birth  
5 through two (2) years (0-36 months) of age who meet the eligibility  
6 criteria specified in Section 13-123 of this title, shall be served  
7 pursuant to the provisions of the Oklahoma Early Intervention Act.  
8 The attendance of said children in special education classes shall  
9 be included in the average daily membership computations for State  
10 Aid purposes.

11        The State Board of Education is authorized to modify and  
12 redefine by regulation the eligibility definitions whenever such  
13 modification is required to receive federal assistance under the  
14 Individuals with Disabilities Education Act (IDEA), P.L. No. 105-17.  
15 Rules developed pursuant to Section 18-109.5 of this title shall  
16 provide for such modification and revised definitions.

17        B. It shall be the duty of each school district to provide  
18 special education and related services for all children with  
19 disabilities as herein defined who reside in that school district in  
20 accordance with the Individuals with Disabilities Education Act  
21 (IDEA), P.L. No. 105-17. This duty may be satisfied by:

22        1. The district directly providing special education for such  
23 children;

24

1        2. The district joining in a cooperative program with another  
2 district or districts to provide special education for such  
3 children;

4        3. The district joining in a written agreement with a private  
5 or public institution, licensed residential child care and treatment  
6 facility or day treatment facility within such district to provide  
7 special education for children who are deaf or hard of hearing,  
8 children who are blind or partially blind or other eligible children  
9 with disabilities; or

10       4. Transferring eligible children and youth with disabilities  
11 to other school districts which accept them and provide special  
12 education and related services for such children, with the district  
13 in which the child resides paying tuition therefor as hereinafter  
14 provided. For those students who transfer pursuant to the  
15 provisions of the Education Open Transfer Act, the receiving school  
16 district shall assume all responsibility for education and shall  
17 count the student for federal and state funding purposes according  
18 to the provisions of subsection B of Section 13-103 of this title.

19       C. If a school district is providing services to children  
20 receiving special education and related services and is complying  
21 with the provisions set forth in subsections A and B of this  
22 section, the school shall be the sole determiner of the methodology  
23 in which to provide services for the child, as long as the child is  
24 receiving some educational benefit.

